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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,097	11/14/2003	Scott C. Harris	BARCODE-D1	9523

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EXAMINER	
WALSH, DANIEL I	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/714,097	HARRIS, SCOTT C.	
	Examiner	Art Unit	
	Daniel I. Walsh	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18,19,28-31 and 38-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18,19,28-31 and 38-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of the Appeal Brief received on 9-12-06.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 18, 19, and 38-40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al. (US 2005/0246237).

Re claim 18, Hudetz et al. (US 2005/0246237) teaches a portable device with a barcode reader and display unit, sending information indicative of the barcode to a remote database and receiving and displaying on the device more information about the advertisement from the remote database (FIG. 1, 2, 7, 8 and paragraph [0067]). The Examiner has interpreted the computer as a portable device.

Hudetz is silent to the barcode reader being a camera/imaging device to obtain an image of the barcode.

The Examiner notes that different types of barcode readers such as laser based or imaging based (CMOS, CCD, etc.) systems are well known and conventional in the art. The Examiner notes it would have been obvious to use an imaging based barcode reader (interpreted as a camera/imaging system to obtain an image of the barcode) as well known and conventional

means to decode/read barcodes that provides high quality imaging, does not require as much complexity/intuition to read codes, faster, easier, etc.

Re claim 19, the limitations have been discussed above. An advertisement can be interpreted as associated with an item for sale, as is conventional in the art.

Re claim 38, the limitations have been discussed above.

Re claims 39-40, the Examiner notes that such different formats of barcodes are well known and conventional in the art. Their selection is obviated by needs such as information storage, compatibility, with a reading system, etc. (see below). One would have been motivated to choose such well know formats of barcodes (re claims 39-40) in order to comply with system constraints (readers ability for example) and to effect desired results of data storage and decoding.

3. Claims 28-29 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al., as discussed above, in view of Paul, as cited in the previous Office Action.

Hudetz et al. is silent to the code containing first and second parts where the second part has more information than the first.

Paul et al. teaches a dual type barcode with a first part that is interpreted by a first bar code scanning process to obtain first information and a second part which is interpreted by a second bar code scanning process to obtain second information that has more information that the first information (abstract). Re claim 29, Paul et al. teaches a linear first part and non-linear second part (glyph which can include various types, col 4, lines 56+). Further, the examiner notes that it is well known and conventional to use non-linear barcodes for secondary encoded information in order to store more data, for example. Re claim 41, it has been discussed above

that URL encoded barcodes are an obvious expedient to make accessing a website easier for a user. Accordingly, it would have been obvious to have different information encoded (as discussed above) to store more data. Therefore, storing a URL is seen as additional data, and therefore an obvious expedient to store more data in a barcode, where the data provides convenience to the user.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Swartz et al. with those of Paul et al.

One would have been motivated to do this to encode more information in a barcode.

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al./Paul et al., further in view of Lemelson et al., as cited in the previous Office Action.

The teachings of Hudetz et al./Paul et al have been discussed above.

Hudetz et al./Paul et al. are silent to scanning in different directions.

Lemelson et al. teaches scanning in different directions (abstract).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Hudetz et al./Paul et al. with those of Lemelson et al.

One would have been motivated to do this to provide a means to efficiently read out data, store a dense amount of data, and also be downwardly compatible.

5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al./Paul et al., further in view of Kaufman et al., as cited in the previous Office Action.

The teachings of Hudetz et al./Paul et al. have been discussed above.

Hudetz et al./Paul et al. is silent to second information being obtained from a color/grayscale.

Kaufman et al. teaches color being used to store information in a barcode (claims 1-8+).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Hudetz et al./Paul et al. with those of Kaufman et al.

One would have been motivated to do this to have a barcode (colored) to provide robustness and reliability, reduced errors, alternative identification means, etc.

6. Claims 19 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al. (US 6,550,672).

Tracy et al. teaches a portable terminal with a display where items for sale are scanned, information indicative of the barcode is sent to a central host and such information of the items is sent back and displayed to the user (FIG. 5 and FIG. 7A). Though silent to a camera/imaging means for reading barcodes, the Examiner notes that imaging means/cameras (CCD, CMOS, etc). are well known and conventional in the art. One would have been motivated to use an image-based system in order to have a faster, easier, high quality, contactless, system. The Examiner also notes that though a database is not explicitly noted (a central host with information is), that it would have been obvious to organize the information about items in a database format for conveniently and organized storage and retrieval).

Re claim 38, the limitations have been discussed above.

7. Claims 28-29 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al., as discussed above, in view of Paul.

Tracy et al. is silent to the code containing first and second parts where the second part has more information than the first.

Paul et al. teaches a dual type barcode with a first part that is interpreted by a first bar code scanning process to obtain first information and a second part which is interpreted by a second bar code scanning process to obtain second information that has more information that the first information (abstract). Re claim 29, Paul et al. teaches a linear first part and non-linear second part (glyph which can include various types, col 4, lines 56+). Further, the examiner notes that it is well known and conventional to use non-linear barcodes for secondary encoded information in order to store more data, for example. Re claim 41, it has been discussed above that URL encoded barcodes are an obvious expedient to make accessing a website easier for a user. Accordingly, it would have been obvious to have different information encoded (as discussed above) to store more data. Therefore, storing a URL is seen as additional data, and therefore an obvious expedient to store more data in a barcode, where the data provides convenience to the user.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Tracy et al. with those of Paul et al.

One would have been motivated to do this to encode more information in a barcode.

8. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al./Paul et al., further in view of Lemelson et al.

The teachings of Tracy et al./Paul et al have been discussed above.

Tracy et al./Paul et al. are silent to scanning in different directions.

Lemelson et al. teaches scanning in different directions (abstract).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Tracy et al./Paul et al. with those of Lemelson et al.

One would have been motivated to do this to provide a means to efficiently read out data, store a dense amount of data, and also be downwardly compatible.

9. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al./Paul et al., further in view of Kaufman et al.

The teachings of Tracy et al./Paul et al. have been discussed above.

Tracy et al./Paul et al. is silent to second information being obtained from a color/grayscale.

Kaufman et al. teaches color being used to store information in a barcode (claims 1-8+).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Hudetz et al./Paul et al. with those of Kaufman et al.

One would have been motivated to do this to have a barcode (colored) to provide robustness and reliability, reduced errors, alternative identification means, etc.

Additional Remarks

10. The Examiner notes that based upon the Applicants Reponses and Appeal Brief, it appears the Applicant is unaware that CCD/imaging barcode readers/scanners/decoders capture an image as part of its imaging process. The Examiner believes such characteristics as well known and conventional in the art, but for the Applicants benefit, has provided many references, printout, websites, etc. which indicate images are captured during imaging with such devices. The Examiner hopes that such references can convey that images are captured for decoding with such devices.

Response to Arguments

11. Re the Applicants arguments that imaging/CCD/camera based barcode readers/scanners/decoders do not capture an image, the Examiner disagrees. The Examiner maintains that it is conventional in the art that CCD/imaging components of such devices capture images. The Examiner has cited relevant art and can provide the Applicant additional art if needed. The Examiner helps that such information is of use to the Applicant. The references can be found listed on the PTO-892 attached.

Conclusion

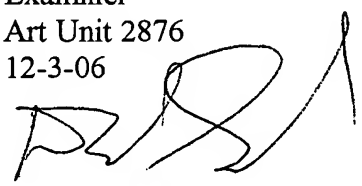
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see attached PTO-892), noting image frame memory 107 of the '552 reference, paragraph [0017] of the '865 reference, paragraph [0091] of the '969 reference, col 24, lines 54+ of the '273 reference, col 12, lines 30+ of the '511 reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh
Examiner
Art Unit 2876
12-3-06



DANIEL WALSH
PRIMARY EXAMINER